

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

WANDA FAYE RICHART

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NO: 4:08CR00065-1 SWW

ORDER

Defendant Wanda Faye Richart, charged with conspiracy and making false statements, is being detained pending trial under 18 U.S.C. § 3142(f)(2)(B). On December 8, 2008, Defendant filed a motion for medical treatment, requesting transfer to the custody of the Bureau of Prisons (“BOP”) so that she might receive medical care. Docket entry #62, ¶ 5. In support of her motion, Defendant stated that she had been transported to the University of Arkansas Medical Center for treatment, but was informed that “they may not be able to treat her because of her detention status.” Docket entry #62, at 1.

On January 2, 2009, after reviewing medical records provided by Defendant in support of her motion, the Court ordered that Defendant be transferred to the BOP for designation and transport to a federal medical facility for evaluation and treatment. The Court further ordered that the designated medical facility keep the Court apprised of the status of Defendant’s medical condition and that Defendant be returned to the custody of the United States Marshal upon resolution of any necessary treatment.

Now before the Court are the United States' first and second motions for reconsideration of the decision to transfer Defendant to BOP custody. The United States presents the declaration of Jeffery D. Allen, M.D., the Chief of Health Programs for the BOP. Dr. Allen states that he has reviewed Defendant's medical records, and he recommends that her medical needs be managed by the United States Marshal, utilizing the resources available in the local community.

Dr. Allen explains that, as a general rule, a detainee such as Defendant is not transferred to a federal medical center but is managed locally by specialists in the community where they are detained. Dr. Allen states that no federal medical center has the capability to perform procedures that Defendant may need. Based on Dr. Allen's declaration, the Court finds that the United States' motions for reconsideration (docket entries #66, #71) should be and are hereby GRANTED. It is further ordered that Defendant be transferred to the custody of the United States Marshals Service.

IT IS SO ORDERED THIS 3RD DAY OF MARCH, 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE